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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

XIU FANG LUO,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security; EMILIO  
GONZALEZ, Director, United States  
Citizenship and Immigration Services;  
JOSEPH P. RUSSONIELLO,\* United  
States Attorney, California Northern  
District; ROSEMARY MELVILLE, San  
Francisco District Director; ROBERT S.  
MUELLER, III, Director of the Federal  
Bureau of Investigation,

Defendants.

No. C 08-0340 PJH

REQUEST FOR EXEMPTION FROM THE  
FORMAL ADR PROCESS

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\*Pursuant to Fed. R. Civ. P. 25(d)(1), Joseph P. Russoniello is substituted for his predecessor, Scott Schools, as the United States Attorney for the Northern District of California.

ADR CERTIFICATION  
No. C 08-0340 PJH

1 The undersigned certifies that she has read either the handbook entitled "Dispute Resolution  
2 Procedures in the Northern District of California," or the specified portions of the ADR Unit's  
3 Internet site <[www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov)>, discussed the available dispute resolution options  
4 provided by the court and private entities, and considered whether this case might benefit from any  
5 of them.<sup>1</sup>

6 Here, Defendants believe that referral to a formal ADR process will not be beneficial because  
7 this mandamus action is limited to Plaintiff's request that this Court decide Plaintiff's application  
8 for naturalization. Given the substance of the action and the lack of any potential middle ground,  
9 ADR will only serve to multiply the proceedings and unnecessarily tax court resources.  
10 Accordingly, pursuant to ADR L.R. 3-3(c), Defendants request the case be removed from the ADR  
11 Multi-Option Program and that they be excused from participating in the ADR phone conference and  
12 any further formal ADR process.

13 Dated: April 1, 2008

Respectfully submitted,

14 JOSEPH P. RUSSONIELLO  
15 United States Attorney

16 /s/  
17 MELANIE L. PROCTOR  
18 Assistant United States Attorney  
Attorneys for Defendants

19 **[PROPOSED] ORDER**

20 Pursuant to stipulation, IT IS SO ORDERED.

21 Date:

22 PHYLLIS J. HAMILTON  
23 United States District Judge

24  
25  
26  
27 <sup>1</sup>On March 24, 2008, Defendants' counsel wrote to Plaintiff, who now appears to be  
28 proceeding pro se, regarding the ADR certification. To date, Plaintiff has not responded to that  
letter. Defendants file the certification today in order to comply with the service requirements of  
Civ. L.R. 5-5(a).

CERTIFICATE OF SERVICE

I, TINA LOUIE, declare:

That I am a citizen of the United States and employed in the City and County of San Francisco, California; that my business address is United States Attorney's Office, 450 Golden Gate Avenue, 9<sup>th</sup> Floor, San Francisco, California 94102; that I am over the age of eighteen years; and that I am not a party of the above-entitled action;

That on April 1, 2008 I deposited in the United States mails, in an envelope bearing the requisite postage, a copy of:

**REQUEST FOR EXEMPTION FROM THE FORMAL ADR PROCESS  
AND [PROPOSED] ORDER**

addressed to:

Xiu Fang Luo  
63 Mercury Street  
San Francisco, California 94124

at his last known address at which place there is service by United States mail.

This Certificate is executed on April 1, 2008, at San Francisco, California.

I certify under penalty of perjury that the foregoing is true and correct.

/s/  
\_\_\_\_\_  
TINA LOUIE  
Legal Assistant